

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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CHARLES V. RYAN IV, on behalf of himself  
and on behalf of others similarly situated,

Plaintiffs

v.

ROBERT J. GARVEY, and PATRICK J.  
CAHILLANE in their individual capacities,

Defendants

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Civil Action No. 05-30017-MAP

**PLAINTIFFS' MOTION TO SUBSTITUTE PAGES**

Plaintiffs move this court for permission to substitute the attached page 17 of Plaintiffs' Memorandum in Support of Their Motion for Final Approval of the Class Settlement in place of the original page 17, and to substitute the attached page three of the Proposed Final Order for the original page three.

As grounds for this motion, Plaintiffs state that the original page 17 incorrectly stated that the Commonwealth would send 1099 forms by January 15 when the agreement calls for the Commonwealth to comply with IRS regulations. Page 3, ¶10 c of the original proposed order called for the Commonwealth to send a check directly to the Claims Administrator when the settlement agreement calls for the Commonwealth to send one check to Class Counsel and for Class Counsel to pay the Claims Administrator. The revised pages correct these issues.

WHEREFORE, Plaintiffs move this court to substitute the attached page 17 of Plaintiffs' Memorandum in Support of Their Motion for Final Approval of the Class Settlement in place of

the original page 17, and to substitute the attached revised page three of the Proposed Final Order for the original page three.

**RESPECTFULLY SUBMITTED,**  
For the plaintiff, and the class,

Date: June 21, 2007

/s/ Howard Friedman

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13, 2007. The Attorney General's Office will obtain a settlement distribution report from the Comptroller's Office by January 12, 2008. The Comptroller's Office will prepare and send 1099's to class members in accordance with IRS regulations. The Attorney General's Office will periodically obtain settlement distribution reports as detailed in the Settlement Agreement to update Class Counsel on the status of any uncashed checks. The Attorney General's Office will obtain and provide a final settlement distribution report to Class Counsel and to the Court on January 6, 2009. The parties will jointly request that this case be closed at that time.

**VI. CONCLUSION**

For all of the above reasons, Plaintiffs request that this Court grant the Plaintiffs' motion for final approval of the settlement.

**RESPECTFULLY SUBMITTED,**

For the Plaintiff, and the class,

/s/ Howard Friedman

Date: June 15, 2007

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9. No later than seven days after this Court resolves the last appeal, the Claims Administrator shall make final calculations for distribution of the settlement funds and shall prepare for the Massachusetts Comptroller's Office a distribution spreadsheet as detailed in the *Settlement Agreement*.

10. The Comptroller's Office shall, within sixty days of receiving the distribution spreadsheet from the Claims Administrator, make payments as follows:

- a. Incentive bonus of \$10,000 to class representative Charles Ryan, IV.
- b. Litigation costs of \$1,687.61 and attorney's fee of \$68,333.33 to Class Counsel.
- c. Claims administration expenses of no more than \$6,350 to Class Counsel to be paid by Class Counsel to Analytics, Inc., and
- d. Distribute settlement payments to class members pursuant to the distribution plan.

11. The Attorney General's Office shall obtain an initial settlement distribution report from the Comptroller's Office and submit it to Class Counsel within 60 days from the date of distribution and thereafter obtain periodic updates of the report for Class Counsel. The Attorney General's Office shall obtain a final settlement distribution report in January 2009.

12. Class counsel shall file a final report of the settlement within 60 days from receiving the final accounting from the Attorney General's Office.

So ORDERED.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2007

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Michael A. Ponsor  
United States District Judge